HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 23 of 2007

PETITIONER		Rajesh Kumar Sahu, aged about 30 years, Son of Shri Mukhiram Sahu, Resident of Village Dongakohroud, Police Station Pamgarh, District Janjgir-Champa (C.G.)

Versus

RESPONDENT		State of Chhattisgarh, Through : The Station House Officer, Police Station Pandariya, District Kabirdham (C.G.)

Appearance:

Ms. Pushpa Dwivedi, counsel for the petitioner.

Shri G.K. Beriwal, Dy. Advocate General, for the State.

ORAL ORDER
(02.05.2007)

SUNIL KUMAR SINHA, J.

Heard.

This petition is filed against the order dated 11.12.2006 passed in criminal revision No. 27/2006 by the Sessions Judge, Kabirdham, District-Kabirdham (CG), whereby, the learned Sessions Judge, after perusal of the case diary, has dismissed the application of the petitioner for releasing his vehicle on *Suprudnama.*

The brief facts are that the vehicle (Car) bearing registration No. CG 11 BA 9031 was seized by the Police during the course of investigation of Crime No. 162/2006, registered at Police Station Pandariya for the offence punishable under Section 420/34 I.P.C. The petitioner being the owner has claimed the aforesaid vehicle on *Suprudnama* which was refused by the revisional Court by passing the impugned order dated 11.12.2006. The revisional Court has said that since the vehicle in question was used by the accused persons namely-Narendra Bharti, Mansharam Suryawanshi, Ramu @ Ramkumar and Shakhiram Bharti for going to the house of the complainant, therefore, it is valuable evidence and it shall not be released on *Suprudnama.*

Learned counsel for the petitioner argues that the aforesaid view as taken by the Sessions Judge, appears to be erroneous and should be set aside by this Court.

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I have heard learned counsel for the parties and have also perused the records of the criminal misc. petition.

Section 451 Cr.P.C. empowers the Court to pass appropriate orders with regard to a property of criminal trial. This provides that the orders should be passed by the concerned court for the proper custody pending conclusion of the enquiry or trial; *or* to order it to be sold or otherwise disposed of, after recording such evidence as it thinks necessary; and if the property is subject to the speedy and natural decay, to dispose of the same. This power should be exercised expeditiously and judiciously as a quick action will not render the owner of the article to suffer because of its remaining unused or in some cases by its misappropriation and the Court or the Police would also not be required to keep the article in safe custody till the disposal of the trial and if the property is a vehicle, as in the present case, the quick disposal is necessitated because it is of no use to keep such seized vehicle at the Police Station for a long period as ultimately the long detention would render into a junk and the machinery as well as body parts would be of no use for nobody.

It is an admitted position in this case that the applicant- Rajesh Kumar Sahu is the registered owner of the said vehicle and the vehicle has not been claimed by any other person . Admittedly, no fruitful purpose would be served in keeping the vehicle in idol conditions and to wait for final decision of the case.

In the facts and circumstances of the case, particularly in reference to what has been cited above, I am of the opinion that the vehicle must be released on interim custody to the registered owner.

The petition is allowed.

It is directed that the seized vehicle (Car) bearing registration No. CG 11 BA 9031 shall be released on interim custody to the petitioner on following conditions:

i) He shall execute a *Suprudnama* to the tune of Rs.3 lakhs.

ii) He shall not alienate or transfer the property to anybody else till the disposal of the trial.

iii) He shall not create any third party interest on the property.

iv) He shall produce the property, as and when directed by the Court during the course of trial.

v) He shall produce a solvent surety to the tune of Rs.3 lakhs, ensuring compliance of the conditions of the *Suprudnama* executed by the petitioner.

The impugned order passed by the Court below is set aside.

The petition stands finally allowed on the aforesaid conditions.

Sd/-
Sunil Kumar Sinha
Judge

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